IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 15468 of 1994

Between:
M. Ravatisubashini W/o. Govindarajulu
r/o. Mukarrampura, Karimnagar.

..... PETITIONER

AND

1 The Joint Collector, Warangal District, Warangal.
2 The Deputy Chief Officer, S.C.,S.T.Cell, Personnel Administration Dept.,
Indian Overseas Bank, Annasalai, Madras.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction declaring the action of the Respondent No.1 in issuing the proceedings in Rc.No. D2/3075/94 dated 14.7.1994 as illegal arbitrary and violative of Principles of natural justice and set aside the same.

Advocate for the Petitioner: MR.J.VENKATESWARA REDDY

Advocate for the Respondent no.1: GP FOR SOCIAL WELFARE.

For the Respondent no.2: None appeared.

The Court made the following **ORDER :**

This Writ Petition is filed for issuance of a Writ of Mandamus declaring action of first respondent in issuing proceedings in RC.No.D2/3075/94, dated 14.07.1994 as illegal, arbitrary and violative of principles of natural justice and to set aside the same.

It averred that the petitioner belongs to Kondukapu community, which falls under Scheduled Tribe category. Her father has been working in Posts and Telegraph Department having been selected under the Reserved category. The District Collector, East Godavari, on detailed enquiry, issued proceedings dated 5.9.1986 stating his social status as Kondakapu. But, the Joint Collector, East Godavari issued proceedings dated 15.2.1990 cancelling the caste certificate of her father, but its operation was suspended by this Hon'ble court as per order in W.P.M.P.No.3888 of 1993 in W.P.No.2989 of 1990, dated 8.3.1993, and the order is still in force. It is further stated that the petitioner has been selected as Clerk in second respondent bank in the S.T. category on the basis of caste certificate issued by the Mandal Revenue Officer, Affarjadh village, dated 14.1.1990. On 10.12.1993, second respondent addressed a letter to the petitioner stating that the community certificate issued her has been cancelled by the District Collector, East Godavari and directing to submit

necessary document. On 14.7.1994, the first respondent issued the impugned proceedings cancelling the caste certificate of the petitioner dated 14.1.1990 without notice whatsoever to her, which is in violation of principles of natural justice. Hence, this Writ Petition.

Heard learned counsel for both the parties.

The grievance of the petitioner is that her caste certificate has been cancelled by the first respondent by impugned proceedings RC No.D2/3075/94, dated 14.7.1994 without issuing any prior notice to her. It has also been contended that the action of the first respondent is in violation of principles of natural justice. A reading of the impugned order shows that no prior notice has been issued to the petitioner before issuing the impugned proceedings. No counter affidavit has been filed by the respondents. Issuance of impugned proceedings without prior notice to the petitioner is denial of an opportunity to her to submit her explanation. In the above circumstances, it is to be held that the action of the first respondent in issuing the impugned proceedings without prior notice to the petitioner is in violation of the principles of natural justice, and on that ground, the impugned order is liable to be quashed.

Accordingly, the Writ Petition is allowed quashing the impugned order dated 14.7.1994 issued by the first respondent. However, the respondents are at liberty to proceed afresh in accordance with law, if they so desire. No costs.

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01.07.2004

Copy to:

1)The Joint Collector, Warangal district, Warangal.
2)The Deputy Chief Officer, S.C., S.T. Cell, Personnel Administration Department,
Indian Overseas Bank, Annasalai, Madras.
3)The District Collector, East Godavari district.
4)Two CCs to the G.P. for Social Welfare, High Court Buildings, High Court of A.P., Hyderabad (o.u.t.)
5) Two CD copies.

DRK